

STATE OF WASHINGTON
GAMBLING COMMISSION

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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) CR 2010-00657

Jennifer Su)
Renton, Washington,)
Licensee.)

SETTLEMENT ORDER

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GAMBLING COMMISSION
COMM & LEGAL DIVISION

The Washington State Gambling Commission and the licensee, Jennifer Su, agree to this Settlement Order to resolve the administrative charges pending against the licensee. H. Bruce Marvin, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney, represent the Gambling Commission. Terence K. Wong, Attorney at Law, Newport Law Group, P.C., represents the licensee.

I.

The Washington State Gambling Commission issued Jennifer Su, of Renton, the following license:

Number 68-11370, authorizing Card Room Employee activity at the Macau Casino in Lakewood, Washington.

This license, which expires on March 21, 2011, was issued subject to the licensee's compliance with state gambling laws, and Commission rules.

II.

The Commission issued a Notice of Administrative Charges and Opportunity for Adjudicative Proceeding on August 4, 2010, seeking revocation of Ms. Su's license. The licensee received the charges, and on August 13, 2010, Commission staff received Ms. Su's request for a hearing.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

SUMMARY:

On May 25, 2010, Ms. Su held a license issued by the State and cheated while playing Progressive Fortune Pai Gow at the Riverside Casino, where she was employed at the time. The licensee cheated by resetting her cards after the dealer had already revealed her cards. The

licensee was able to keep her wager, rather than lose it, causing a loss of about \$110 to the casino. The licensee violated RCW 9.46.1961 (Cheating in the First Degree), RCW 9.46.190 (Fraud), and RCW 9.46.153. Therefore, grounds exist to revoke the license under RCW 9.46.075(1), (8), and WAC 230-03-085(1) and (8).

VIOLATIONS:

RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein.

The following subsection(s) apply:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

The following subsection(s) apply:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.1961 Cheating in the First Degree

The following subsection(s) apply:

(1) A person is guilty of cheating in the first degree if he or she engages in cheating¹ and:

(a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or

(b) Holds a license or similar permit issued by the State of Washington to conduct, manage,

¹ RCW 9.46.196 **Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

or act as an employee in an authorized gambling activity.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

RCW 9.46.190 Violations relating to fraud or deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

The following subsection(s) apply:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153 Applicants, licensees-Responsibilities, and duties-Waiver of liability-Investigation statement as privileged.

The following subsection(s) apply:

- (1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

Jennifer Su requested a hearing in this matter, but waived her right to a hearing based on the terms and conditions of this Settlement Order. The licensee further agrees to the following sanctions:

1) **Jennifer Su shall surrender her Card Room Employee license no later than December 14, 2010**, by either delivering this license to the Gambling Commission's Communications and Legal Division, located at 4565 7th Avenue SE, Lacey, or by mailing the license to the Gambling Commission, Attention Communication and Legal Division, at P.O. Box 42400, Olympia, 98504-2400.

2) Jennifer Su shall not hold or reapply for a gambling license for **twelve (12) months**, starting on **December 14, 2010**. In the event Ms. Su reapplies for a gambling license after the required period of time has lapsed, she will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Nothing herein shall prevent the Commission from denying Ms. Su's application for a gambling license at that time, based on facts currently known or unknown by Commission staff. However, an administrative action denying Ms. Su a gambling license shall not be based solely on the facts of this case, **provided**

that Ms. Su successfully completes all terms and conditions of the one-year Stipulated Order of Continuance, which she entered into in the Municipal Court for the City of Tukwila, Cause Number C00003081.

3) Jennifer Su shall have no involvement, until after the required period of time has lapsed, directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Ms. Su from working in any capacity in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

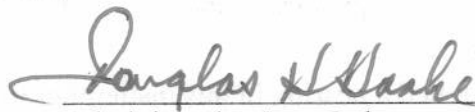
4) The signed Settlement Order must be received by Commission staff by November 22, 2010, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

DATED this 6 day of December, 2010.



Administrative Law Judge

By her signature, the licensee Jennifer Su understands and accepts the terms and conditions of this Order

APPROVED FOR ENTRY:



Jennifer Su
Licensee

11-19-10

(Date)

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission



11-19-10

Terence K. Wong, WSBA# 24502 (Date)
Newport Law Group, P.C. Attorneys at Law
Representing Jennifer Su



Arlene Dennistoun, WSBA# 28760
Staff Attorney,
Washington State Gambling Commission

